

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF AGRICULTURE  
PLANT INDUSTRIES DIVISION**

**CHAPTER 0080-6-19  
IMPORTED FIRE ANT QUARANTINE**

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**0080-6-19-.01 DETERMINATION OF PROBLEM AND ESTABLISHMENT OF QUARANTINE.**

- (1) It has been determined that the destructive insect pests known as the black imported fire ant *Solenopsis richteri* Forel, the red imported fire ant *Solenopsis invicta* Buren, as well as the hybrid of these two species have been found in Tennessee, as well as in other states. These pests can be extremely injurious to Tennessee cultivated crops and man and other animals; therefore, it would be in the best interest of man and agriculture in Tennessee that a quarantine be established against these pests.
- (2) Due to the above determination, a quarantine against the above defined pests is hereby established.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990. Amendment filed May 19, 1999; effective September 28, 1999.

**0080-6-19-.02 DEFINITIONS.** For the purpose of this quarantine and regulations, the following shall be construed respectively to mean.

- (1) **CERTIFICATE OF INSPECTION:** A document issued by the Director of Plant Industries, Tennessee Department of Agriculture, to allow the movement of regulated articles to any destination. Such certificates of inspection shall be in complete compliance with the restriction noted in this quarantine.
- (2) **DIRECTOR:** The Director of the Division of Plant Industries, Tennessee Department of Agriculture.
- (3) **COMPACTED SOIL:** Soil attached to equipment which cannot be removed by brushing and/or washing with water under normal city water pressure.
- (4) **COMPLIANCE AGREEMENTS:** A written agreement between a person or concern engaged in growing, dealing in or moving regulated articles and the Tennessee Department of Agriculture, Division of Plant Industries, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the imported fire ant.
- (5) **EXEMPTION:** Conditions described herein which provide for the movement of regulated articles from regulated areas under specified conditions.
- (6) **INFESTATION:** The presence of the imported fire ant in any of its life stages where it is reasonably sure the pest may exist.
- (7) **PEST:** Imported Fire Ant in any stage of development.

(Rule 0080-6-19-.02, continued)

- (8) **REGULATED AREA:** Any county, other minor civil division, farm or other premises, or part thereof, designated as a regulated area by this quarantine.
- (9) **REGULATED ARTICLES:** Imported Fire Ant, means of conveyance, and other products and articles of any character whatsoever the movement of which is regulated by this quarantine.
- (10) **LIMITED PERMIT:** A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, processing or treatment.
- (11) **INSPECTOR:** Any duly designated employee, agent or representative of the Director of the Division of Plant Industries of the Tennessee Department of Agriculture.
- (12) **PERSON:** This term shall include any corporation, partnership, firm, company, society or association, as well as any individuals.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.03 REGULATED AREAS.**

- (1) Regulated areas include any area in which the red, black, or hybrid fire ant is known to exist as enumerated by the United States Department of Agriculture Imported Fire Ant Quarantine in 7 C.F.R. §301.81-3(e) (1998) and subsequent amendments thereto, or by the Tennessee Department of Agriculture Imported Fire Ant Quarantine as set out in this rule, or as may be established in other states by the authorities having responsibility to regulate the spread of these pests within their border; and
  - (a) In Tennessee as follows:
    - 1. Bradley County. The entire county.
    - 2. Chester County. The entire county.
    - 3. Decatur County. That portion of the county lying south of Interstate Highway 40.
    - 4. Fayette County. The entire county.
    - 5. Franklin County. That portion of the county lying south of TN Highway 50 moving East from the Moore County line to US Highway 64 going east to US Highway Alt 41 to the Grundy/Marion County line; also the entire city limits of Winchester, TN, Decherd, TN, and Estill Springs, TN.
    - 6. Giles County. That portion of the county lying south of a line beginning at the Giles/Marshall County line on TN Highway 129, continuing west along TN Highway 129 until reaching US Highway 31, and then continuing west along an imaginary line until reaching the Lawrence County line.
    - 7. Hamilton County. The entire county.
    - 8. Hardeman County. The entire county.
    - 9. Hardin County. The entire county.

(Rule 0080-6-19-.03, continued)

10. Haywood County. That portion of the county lying south of Interstate Highway 40 from the Fayette County line to the Madison County line.
11. Henderson County. The entire county.
12. Lewis County. The entire county.
13. Lawrence County. The entire county.
14. Lincoln County. The entire county.
15. Madison County. The entire county.
16. Marion County. The entire county.
17. Marshall County. That portion of the county lying south of TN Highway 129 going east to US Highway Alt 31, north to TN Highway 50 southeast to the Lincoln County line.
18. Maury County. That portion of the county lying south or west of a line beginning at the Lewis/Maury County line on U. S. Highway 412 continuing east along U.S. 412 until reaching TN Highway 166 and then continuing southeast along TN Highway 166 until reaching Dry Creek Road and then continuing south along Dry Creek Road until reaching the Lawrence County line.
19. McMinn County. The entire county.
20. McNairy County. The entire county.
21. Meigs County. The entire county.
22. Monroe County. That portion of the county lying south of a line beginning at the Loudon/Monroe County line on TN Highway 68, continuing southeast along TN Highway 68 until reaching US Highway 411 and then continuing northeast along US Highway 411 until reaching the Loudon County line; also the entire city limits of Sweetwater, TN, Madisonville, TN, and Vonore, TN.
23. Moore County. That portion of the county lying south of a line beginning at the Bedford/Moore County line on TN Highway 82, continuing southeast along TN Highway 82 until reaching TN Highway 55 and then continuing northeast along Tennessee Highway 55 until reaching Cobb Hollow Road and then continuing east on Cobb Hollow Road until reaching the Coffee County line.
24. Perry County. That portion of the county lying south of Latitude 35 degrees 45 minutes.
25. Polk County. The entire county.
26. Rhea County. The entire county.
27. Sequatchie County. That portion of the county lying south of a line beginning at the Grundy/Sequatchie County line on TN Highway 399, continuing northeast along TN Highway 399 until reaching TN Highway 8/111 and then continuing northeast along an imaginary line until reaching the Bledsoe County line.
28. Shelby County. The entire county.

(Rule 0080-6-19-.03, continued)

29. Wayne County. The entire county.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9), and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990. Amendment filed May 19, 1999; effective September 28, 1999. Amendment filed September 13, 2001; effective January 28, 2002.

**0080-6-19-.04 REGULATED ARTICLES.** The following pests and articles shall be regulated by this quarantine.

- (1) The black imported fire ant, *Solenopsis richleri* Forel, and the red imported fire ant, *Solenopsis invicta* Buren, in any living stage of development.
- (2) Soil, compost, decomposed manure, humus, mulch and peat, separately or with other things;
- (3) Plants with roots with soil attached;
- (4) Grass sod;
- (5) Hay and straw;
- (6) Used mechanized soil-moving equipment; and
- (7) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by the Director that they present a hazard of spread of imported fire ants and the person in possession thereof has been notified.

**Authority:** T.C.A. §§43-6-106, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.05 CERTIFICATES AND PERMITS REQUIRED.** Unless exempted, a certificate or a permit must accompany the movement of regulated articles from any regulated areas into or through any point outside thereof. Regulated articles originating outside a regulated area may be moved without a certificate or permit if

- (1) The point of origin is clearly indicated on the shipping document accompanying the regulated articles provided; and
- (2) The regulated articles moving through the infested area are protected to the satisfaction of the Director.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.06 ATTACHMENT OF CERTIFICATES AND/OR PERMITS.**

Every single article and/or every container of regulated articles is required to have a certificate or permit securely attached to the outside thereof, when being moved or offered for movement. Where regulated articles are adequately described on the certificate or permit attached to the way-bill, the attachment of a certificate or permit to each container of the articles or to the article itself will not be required.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.07 CONDITIONS GOVERNING ISSUANCE OF CERTIFICATES AND PERMITS.**

- (1) **CERTIFICATES:** Certificates may be issued by the inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions:
  - (a) When in the judgement of the inspector, they have not been exposed to infestation.
  - (b) When they have been examined by the inspector and found to be free of infestation
  - (c) When they have been treated to destroy infestations under the supervision of the inspector and in accordance with methods selected by him from procedures authorized by the Director of the Division of Plant Industries and known to be effective under conditions in which applied.
  - (d) When grown, produced, manufactured or handled in such manner that in the judgement of the inspector, no infestation would be transmitted thereby.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.08 PROTECTING CERTIFIED ARTICLES.**

Prior to certification, regulated articles must be loaded, handled and shipped only under such protections and safeguards against infestation as are required by the inspector.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.09 MOVEMENT OF REGULATED ARTICLES WITHIN THE REGULATED AREAS.**  
Regulated articles within regulated areas may be freely moved unless:

- (1) The articles originate on infested properties;
- (2) The Commissioner has determined that a hazard of spread exists, and
- (3) The property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated areas only under conditions approved by the Director.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

**0080-6-19-.10 EXEMPT ARTICLES.** The following articles are exempt from all regulated area certification and permit requirements if they meet applicable conditions prescribed, and have not been exposed to infestation after cleaning or other handling

- (1) Potting soil, if commercially prepared, packaged and shipped in original containers.
- (2) Hay and straw, if used for packing or bedding.
- (3) Used mechanized soil-moving equipment, if cleaned of all loose, non-compacted soil.
- (4) Transplants, if substantially free of soil and house plants grown in the home and not for sale.
- (5) Soil samples for processing, testing, or analysis, may be moved from the regulated area only to laboratories operated under compliance agreement, or only in emergencies under authorization from the Director.

(Rule 0080-6-19-.10, continued)

- (6) Compact, decomposed manure, humus and peat, if dehydrated, ground, pulverized or compressed.
- (7) Logs and pulpwood, provided the loading site has been properly treated as recommended.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

#### **0080-6-19-.11 COMPLIANCE AGREEMENT.**

As a condition of the issuance of certificates of compliance and/or permits for the movement of regulated articles, the Commissioner may require any person engaged in purchasing, assembling, handling, processing, utilizing, treating or moving such articles to sign a compliance agreement. Such compliance agreement may stipulate that the person will maintain such safeguards as may be required by the Commissioner. The United States Department of Agriculture compliance agreements may be utilized to meet the requirements of this rule.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

#### **0080-6-19-.12 INSPECTION AND DISPOSAL.**

The Commissioner and others authorized to perform official duties in connection with the imported fire ant quarantine are hereby authorized and empowered, upon probable cause and after displaying proper identification, to stop and search, without a warrant, any person, and/or any means of conveyance moving into, within, or from the State of Tennessee, and/or any regulated article or container being moved or offered for movement by and/or upon such person and/or by or within such conveyance, for fire ant infestation. The Commissioner and/or other authorized persons are hereby further authorized and empowered to seize, treat, require to be treated under state supervision, destroy, or otherwise dispose of articles found to be moving or offered for movement in violation of the imported fire ant quarantine. All chemicals used for treatment under this quarantine must be registered with both the state and federal governments, and the same must be applied according to state and federal guidelines.

**Authority:** T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.